

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: July 14, 2016

REPORT PREPARATION DATE: July 6, 2016

APPLICATION TYPE: Conditional Use approval for constructing a storage barn (warehouse) in the Agricultural Zoning District and Site Plan approval given the size of the proposed structure (over 1,000 sq. feet)

APPLICANT/OWNER: Clint Calderwood

DESCRIPTION: Conditional Use & Site Plan approval for a 40x108 barn

IDENTIFYING INFORMATION:

LOCATION: 95 Cilley Hill Road

PARCEL NO: CH095

TOTAL ACREAGE: 2.02 acres

ZONING DISTRICT(S): Agriculture

EXISTING USE: Storage business

PROPOSED USE: Additional storage

NOTICE OF PUBLIC WARNING/ ABUTTERS:

Notice of Public Warning published – *June 16, 2016*

Notice of Public Warning posted – *June 16, 2016*

Onsite posting sent on – *June 16, 2016*

Notice of Public Warning sent to abutters and applicants—*June 16, 2016*

Agenda Posted – *June 16, 2016*



LOCATION MAP:

PROJECT OVERVIEW

The applicant has proposed the constructing of a new barn (40x108) at 95 Cilley Hill Road (2.02 acres). The parcel contains a historic chicken barn on the state historic registry (40x170sqft) and a smaller barn, (60x40sqft). Max lot coverage needs to stay under 30%, or for this lot, about 87,120 sqft. Lot coverage with the new barn would be around 13,560 sqft, or about 1/6 of the property.

The primary use of the parcel is a storage business. This application requests conditional use and site plan review for a new storage barn to accompany the current storage barn. Warehousing in agricultural district is conditional (table of uses 4.4.4.2), and with over 1,000 new sq.ft., it also requires site plan approval as well (10.10.2.3.). The proposed structure will be used to for storing cars, trucks, oats & equipment, approximately 30 vehicles will fit within the proposed new space. The storage of boats, trucks or equipment could reduce the number (30 vehicles) mentioned above.

PREVIOUS ACTIVITY

January 12, 1999: adaptive reuse site plan *denied* under the Jericho Zoning Board of Adjustment
April 27, 2000: Adaptive reuse *approved* by Jericho Development Review Board

May 10, 2001: Amendment to original adaptive reuse. *Approved* by DRB.
October 23, 2009: Permit application submitted to build addition to chicken barn, *denied* by staff.
August 9, 2012: Violation issued for excess of motor vehicles on lot. No action taken.
March 23, 2014: Smaller 60x40 *permitted* and built behind chicken barn
January 26, 2016: 40x108 barn proposed. Building permit *denied* as DRB approval needed.
March 10, 2016: sketch review before DRB, proposing new storage barn
April 28, 2016: Conditional use and site plan review before the DRB for a 40'x108' storage facility.
May 5, 2016: Violation letter issued.
May 9, 2016: Letter from zoning office confirming previous violation has been cured and property is within conformance

DEPARTMENTAL REVIEW AND COMMENTS:

CONDITIONAL USE APPROVAL (§10.9.)

10.9.1. Purpose: Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.

10.9.2. Applicability: Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards. *Site plan review is required based on the square footage of the proposed barn and is addressed within this submission.*

10.9.3. Standards: In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the ACT [§4414(3)(A)]:

10.9.3.1. The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy. *No water or sewer usage is proposed within this application. The DRB should consider a possible condition of approval that if water or sewer are considered in the future that the property owner must amend their approval and submit a new review under this criteria. Schools will not be impacted by this submission. There is no proposed change in accessing the property as the applicant will continue to use the existing curb cut off of Cilley Hill Road. This storage will have limited impact on traffic. The Underhill-Jericho Fire Department has been contacted with respect to this submission and find no undue burden to the Department from this request. They do make a request of the applicant and the Board should consider the following as a condition of approval if one is to be granted. That the applicant installs a fire alarm system with heat detectors within the building that will report any alarm to an alarm monitoring company. In addition it is also recommended that the additional buildings on site and used for storage receive the same alarm system and monitoring.*

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) Nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho; *The DRB will have to find or propose conditional that will ensure that this criteria is met.*

(b) The proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; and *Based on review of the file this property has previously been in violation as well as received complaints from surrounding properties. As noted above this property is now in compliance and no existing complaints currently exist. The DRB can place conditions that could reinforce the character of the surrounding area that would help with any potential or perceived adverse impacts to abutters.*

(c) The proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located. *The Agriculture zoning district lists this use as a conditional use and the proposed building are consistent with what is on site and found within the agricultural district.*

10.9.3.3. Traffic on roads and highways in the vicinity: The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations *Applicant has stated that the car storage has very limited loading and removal dates, limited to a few weekends in the spring and fall. The DRB will have to find and determine that the proposal meets the criteria stated above.*

10.9.3.4. Bylaws and ordinances then in effect

10.9.3.5. Utilization of renewable energy resources. *None proposed*

10.9.4. Additional Review Standards: The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.9.4.1. All site plan review standards and approval conditions in Section 10.10 *below*

10.9.4.2. The cumulative impact of the proposed conditional use taken together with other conditional uses in the area.

10.9.4.3. If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations. *The wetland*

and River Overlay Districts are adjacent to the property as shown below. The applicant should describe their operating procedure or standards used that will address the protection element of this criteria. The DRB should find or condition any approval so this criteria is met and complied too.



10.9.5. Expiration of Approval:

10.9.5.1. Conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.

10.10. SITE PLAN REVIEW

10.10.1. Applicability: Before the Zoning Administrator may issue a zoning permit for any structure or use of land for which site plan approval is required, approval must be granted by the Development Review Board according to the procedures of Section 10.8. Site plan approval is required for all uses and structures other than those exempted under Section 10.10.2.

10.10.2. Exemptions: The following uses and structures are exempt from site plan review:

10.10.2.1. Agricultural and forestry uses

10.10.2.2. One- and two-family dwellings and accessory buildings there to

10.10.2.3. Uses that satisfy all of the following criteria:

- ♣ Do not require conditional use review
- ♣ Do not require new or expanded parking for five [5] vehicles or more,
♣ Do not involve the construction or expansion of 1,000 square feet of building area or more, and
- ♣ Do not involve construction, expansion, or substantial alteration of any outside storage or display area.

10.10.3 Review Standards: The Development Review Board may consider and impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.10.3.1 All site plans shall comply with the following General Development Standards found in Section 11 of these regulations. Upon review of the application, the Development Review Board/Zoning Administrator may determine that additional General Development Standards are applicable to a given application, such as:

10.10.3.1.1 Roads/Access

10.10.3.1.2 Parking/Loading/Circulation

10.10.3.1.3 Pedestrian Facilities

10.10.3.1.4 Grading/Slope/Ridgeline

10.10.3.1.5 Water Supply and Sewage Disposal

10.10.3.1.6 Landscaping

10.10.3.1.7 Site Layout and Design

10.10.3.1.8 Outdoor Storage

10.10.3.1.9 Outdoor Lighting

10.10.3.1.10 Utilities

10.10.3.1.11 Stormwater

10.10.3.1.12 Performance standards

10.10.3.2 Site plans shall comply with any and all applicable Specific Use Standards in Section 4.4 and the General Provisions in Section 7.

10.10.3.3 The Development Review Board may require that the applicant submit information regarding hours of operation and may impose conditions limiting hours of operation.

- 10.10.4 *Performance Guarantee:* All landscaping and plantings shall be guaranteed for three [3] years from the date of planting. The Development Review Board may require a letter of credit, performance bond, escrow, or other surety in an amount sufficient to provide for planting and landscaping and to ensure that the planting and landscaping remains in satisfactory condition for a period of three [3] years after completion.

Where surety is required, the Development Review Board may specify a schedule for planting and landscaping and for release of any reserved funds. If the applicant fails to install planting and landscaping within the specified time period, the letter of credit or other security may be forfeited after thirty [30] days written notice. Upon receipt of the proceeds, the Town may install or maintain planting and landscaping, and in the event the proceeds are insufficient, the applicant shall reimburse the Town for the balance. Any balance remaining in escrow at the end of the three [3] year maintenance period shall be refunded to the applicant.

GENERAL DEVELOPMENT STANDARDS (§11.1-§11.14)

11.1. Access - Public/Private Roads and Driveways-

Private driveways shall have a maximum grade of 15%, a minimum width of 12', and be capable of supporting the weight of a two-axle, 40,000 pound vehicle. These provisions are contained in the Town of Jericho Public Works Specifications amended 1/22/09 and shall be superseded by any revisions to the same. *Applicants have spoken with the highway foreman to check access standards have been met. HF suggested that several bushes be removed by the mailbox to improve line of sight as well as comply with dimensional requirements. Proposed gravel driveway extends from current drive back toward new barn*

11.1.5. Traffic Study/Off Site Improvements *The DRB has not required a traffic study for this application but indicated at sketch review that applicants should be prepared to propose a specific plan for traffic ingress and egress on the property- i.e. hours of operation and seasonal weekend operation. Applicant previously projected 426 round trips/ year.*

Applicant has stated the following: "The intended use of the building will be for storing cars, trucks, boats and equipment. Approximately 30 cars will fit in the space. Any addition of boats or trucks mixed in with these stored cars will decrease the total amount of storage customers and overall traffic to and from the building. Our winter storage season is October through April. When cars arrive in the fall, it is usually in amounts of 1-8 on a given day. Cars go into the barn immediately after they arrive since most have been cleaned and detailed; and owners don't want them out in the weather. Also, since one owner, Jamie Bullivant, lives at 165 Cilley Hill Rd, we put cars into storage fairly quickly. When cars are moved out at the end of the season, we try to schedule as many cars as possible for pickup for a particular day. Occasionally 1-4 will be outside in April over the course of a few days waiting to be picked up. The days that we move cars in or out of the building are based on the weather. We select dry days such that Cilley Hill Road is not wet since most people do not want to get their cars dirty. When cars need to sit for a few days waiting for pickup, we are planning on utilizing a grass area between our existing fence and our new barn which will block the cars from view.. *"DRB should discuss if proposed hours of operation are sufficient.*

11.2. Parking/Loading/Circulation- *improvement proposed. Required:* 4.0 Industrial Uses .5 per 1,000 sf GFA + 1.0 per employee *Applicants have stated that total lot coverage will be 13,520 sq. ft. Applicants should provide for at least 7 parking spaces. On the plan, applicant has proposed 8*

11.2.2.3 Modification In Required Spaces: The Development Review Board may increase or decrease the number of parking spaces required if appropriate to accommodate the parking needs of an individual applicant. In granting a reduction in the number of spaces, the Board may consider factors including but not limited to actual anticipated parking needs of a proposed use, the mix of uses within the development, proximity of the proposed use to pedestrian infrastructure, transit service, or other alternative modes of transportation, and/or transportation management proposed by the applicant. *The DRB may consider waiving the requirement of 7 spaces if desired, staff does not recommend waiving.*

11.2.3. Standards: Parking areas servicing non-residential uses and all parking areas for five [5] or more cars shall be designed and constructed in accordance with the standards of this section. *Given the requirement of 7 spaces in table 11.2.2.1, the following standards are required*

11.2.3.1. General Layout:

(a) Parking areas shall be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated parking space, excepting Tandem Parking as permitted under Section 11.2.3.1(d) below. *Parking has been shown on the plan in front of the proposed barn*

(b) Except in the Commercial District, Village District and Village Center District, designated parking areas shall not be located in any required front, side, or rear yard setback. Within the Commercial District parking may be within one-half [1/2] of the depth of the required side or rear yard(s) setbacks, except where the subject parcel is adjacent to property in the Rural Residential, Agricultural, or Forestry District. In the Village Center District and Village District, parking may be within the side or rear yard setbacks. *Parking on the plan has been shown outside the front yard setback (35 feet)*

(c) Parking for two [2] or more abutting uses may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary, or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement shall be duly recorded. *n/a*

(d) Tandem or 'stacked' parking may be approved for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is approved, the first space shall have unobstructed access while the second space may be accessed through the first space. *Two tandem parking rows have been proposed (total of 4 spaces impacted). DRB should consider if this proposal allows for safe circulation or if these spaces are reserved for employees.*

11.2.3.2. Dimensions:

(a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed. *The applicant has proposed 8 parking spaces on site and it appears from the site plan that there is room to accommodate spaces of this size. There is a dedicated area for parking but it appears there are not lined spaces*

(b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet. *There do not appear to be any handicapped spaces proposed with this submission.*

(c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be show that the required widths are excessive to the functional needs of the site. *It appears that the proposed aisle are 20 feet in width.*

11.2.6. Loading and Service Areas:

11.2.6.1. Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located behind the front building line, or to the side or rear of the structure they serve. *DRB should determine if dropping off cars for storage constitutes the need to satisfy 11.2.6.1.*

11.2.6.2. All vehicle movements for loading, unloading, and deliveries shall be made off the public Right-Of-Way *This proposal complies.*

11.4. Lot Layout

11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street: *In the Agriculture district, this is a minimum of 35' for both Downer Lane and Cilley Hill.*

11.4.5. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations. *Existing access has recommended changes from Jericho Highway Department as well as approval.*

11.5. Grading/Slope/Ridgeline

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and

nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. *Tree removal to be minimized as much as possible, especially along the boundaries of the property. Applicant has stated that bushes and trees along Downer Lane will be retained as much as possible*

11.8. Landscaping 11.8.1. Preservation of Landscape: Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required. *The applicant has proposed new planting (bushes & trees) but there is no corresponding planting list that indicates numbers, size or species of proposed plantings.*

11.8.2. Landscaping Budget Requirement: For all site plans, the Development Review Board may require minimum planting costs of up to three percent [3%] of total construction/improvement costs. *See above.*

11.8.3. Screening and Buffering Requirements: All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Rural Residential, Agriculture or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on

- (a) the location and context of the site,
- (b) the type of use,
- (c) proximity to neighbors, and
- (d) the pattern and extent of existing vegetation (on-site and in the immediate area). In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement. *Applicant's site plan shows that parking will be screened by a fence and bushes/trees along downer lane. A fence screens the view of the parking from Cilley Hill. Fences 6' or less are an allowed use in any zoning district, provided the following is met: The height of the proposed fence should be made clear on the site plan (fence detail) and in the application.*

7.5.1. A fence six [6] feet high or less may be placed up to but not on a property line so that both sides of the fence can be erected and maintained from the property of the person erecting the fence. A building permit is not required.

7.5.2. A fence more than six feet high is a conditional use in all districts subject to approval by the Development Review Board under Section 10.9.

7.5.3. A fence shall be erected so that its "good side" shall face an abutting property or roadway.

7.5.4. No fence may be placed so as to interfere with an adjacent town Right-Of-Way or publicly owned or maintained sidewalk, bike path or pedestrian way.

7.5.5. All fences shall comply with Section 5.3.4.

11.8.4. Street and Shade Trees: In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees. *The DRB should determine if this is necessary for proposed application.*

11.9. Site Layout and Design The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

11.9.2. Rural Residential, Village, and Agriculture and Forestry Districts: Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas. *Design of proposed structure is described in the applicant's statement. The color would be red with white trim, with effort to match the existing barn's roof. The applicant has also included aesthetic details.*

11.10. Outdoor Storage/Display ***

11.10.1. In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: "Front Yard Parking", no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review. *There is no parking or storage proposed within the front yard setback also there is no proposal for display or sales within this application. The DRB may want to condition this as well if approval is granted.*

11.10.2. Solid and Hazardous Wastes: No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety. **Staff recommends that 11.10.2 should be a condition if an approval is granted.**

11.10.3. Motor Vehicles: No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks. **Staff recommends that 11.10.2 should be a condition if an approval is granted.**

11.11. Outdoor Lighting: Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications (see standards listed in 11.11) *As proposed it would be in compliance.*

11.11.1. The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height.

Height of proposed exterior light is 10 ft

11.11.2. The maximum permitted average lighting level on the surface to be lighted shall be one [1.0] foot-candle, or as otherwise specified in the Public Works Specifications

11.11.5. Security Lighting: Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle. To the extent practicable, security lighting shall be placed on timers and seasonally adjusted for fluctuations in daylight hours. *Applicant has proposed an exterior motion sensing light near the entrance of the barn. Location does not appear to be a hindrance to any abutter.*

11.12. Utilities 11.12.1. All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. *Applicant has stated that the proposed barn will have lighting. Underground utility shown on plan from existing barn to proposed barn.*

11.12.2. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met. *See above.*

11.13 Storm Water (subdivision section III.6)

11.13.1 *Post-Construction Stormwater Management:* The applicant shall install a storm water management system along all new streets and at other required locations. This system shall meet the following standards:

- 11.13.1.1 Development shall minimize stormwater runoff and utilize pervious areas for stormwater infiltration and treatment. Existing natural drainage ways shall be incorporated into the design of the management system to the fullest extent possible.
- 11.13.1.2 The stormwater management system shall be designed, installed and maintained in accordance with the requirements of the latest version of the Vermont Stormwater Management Manual and the Jericho Public Works Specifications.

In the event of conflicting design criteria within these standards, the stricter shall apply. *Applicant has proposed a stormwater management based on the Vermont Stormwater Management Manual of 2002*

- 11.13.1.3 Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system.
- 11.13.1.4 All development requiring Development Review Board approval resulting in more than one-half [0.5] acres of new impervious surface and all major subdivisions shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. Applicants are strongly encouraged to utilize non-structural practices such as the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual in order to satisfy this requirement. *The proposed development does not appear to be applicable to this standard.*
- 11.13.1.5 The interest of the owner of each lot served by the stormwater management system shall be protected by an easement recorded in the deed of each lot involved. *Not applicable.*
- 11.13.1.6 Uses defined as “stormwater hotspots” in the Vermont Stormwater Management Manual, including those creating less than one acre of impervious surface, shall comply with all applicable requirements of the Vermont Agency of Natural Resources. Stormwater runoff from a stormwater hotspot shall not infiltrate into groundwater unless an individual stormwater permit from the Vermont Agency of Natural Resources is obtained. *Not applicable.*
- 11.13.1.7 Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside the Development. The Development Review Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development and a twenty-five [25] year storm. The applicant's engineer shall provide such information as the Development Review Board deems necessary to make the determination of the adequacy of the facilities.
- 11.13.1.8 The applicant’s engineer shall provide such information as the Development Review Board deems necessary to determine the effect of the development on existing downstream drainage facilities outside of the area of development. Where anticipated discharge from the proposed development during a twenty-five [25] year storm will overload existing downstream drainage

facilities, the Development Review Board may condition final approval upon improvement of the downstream facilities to prevent such an overload. Any construction required to prevent such overload and subsequent damage may be located on or off the applicant's site. *The applicant should address this criteria to the DRB who should then make a determination and or condition any approval.*

11.13.2 Erosion and Sediment Control During Construction:

- 11.13.2.1** At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control. *Silt fences are proposed on site during construction.*
- 11.13.2.2** Plans meeting the guidelines of the latest edition of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, shall be submitted for all major subdivisions or when otherwise required by the Vermont Department of Environmental Conservation. The Development Review Board may also require erosion plans when development is proposed to occur on slopes greater than fifteen percent [15%], unvegetated areas or other areas with fragile soil conditions. In order to determine whether or not an erosion control plan is needed, the Development Review Board may require the applicant to provide a Risk Evaluation Checklist from the Vermont Department of Environmental Conservation *The proposed site is less than 15% grade.*
- 11.13.2.3** Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water from land undergoing development. At minimum, these measures shall comply with the practices described in the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control. *The applicant should address if this is necessary.*
- 11.13.2.4** Erosion prevention and sediment control practices for construction that occurs from October 15th to May 15th shall conform with Section 3.2 Winter Construction Limitations of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, or the most recent Vermont Agency of Natural Resources standards for winter construction. *If construction is to occur during this period then the DRB should condition any approval to meet this criteria.*

11.13.3 Protection of Natural Water Courses:

- 11.13.3.1 No natural water course shall be piped, dammed or altered without the approval of the Town and, where applicable, the State Department of Environmental Conservation and/or the Army Corps of Engineers. *Not applicable.*

11.14. Performance Standards 11.14.1. No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry. *It appears that the application would be compliant with sections 11.14.1 – 11.14.1.6*

STAFF RECOMMENDATION:

Possible conditional of approval have been recommend within the staff report; if this application is to be approved then staff recommends those proposed conditions be incorporated. Staff would also recommend a limit of vehicles, trucks, boats or equipment be allowed on site, this number can be determined between the applicant and the DRB and will act as a ceiling or total use for this application and site.